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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,280	09/17/2003	Ciprian Agapi	BOC9-2003-0060 (434)	4539
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER LEWIS, ALICIA M	
			ART UNIT 2164	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,280	<b>Applicant(s)</b> AGAPI ET AL.	
	<b>Examiner</b> Alicia M. Lewis	<b>Art Unit</b> 2164	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This office action is responsive to communication filed May 22, 2008. Claims 1, 8 and 16 are currently amended, and claims 19-21 have been added. Thus claims 1-21 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 6, 8-10, 12, 13, 15-17 and 19-21 are rejected under 35 U.S.C. 103(a) (*current application effective filing date 9/17/2003*) as being unpatentable over Yagi et al. (US 2002/0059288 A1, *publication date 5/16/2002*) ('Yagi') in view of Hambleton et al. (US 2008/0098353 A1, *priority date 5/2/2003*) ('Hambleton').

With respect to claims 1, 8 and 16, Yagi teaches:

receiving a request to visually display in the GUI the grammar files in the presentation list (Figures 6, 9(A), 9(B), paragraphs 76 and 90);

distinguishing between a first subset of files that contain user-defined grammars, each defining a user-defined grammar file (*recently accessed file*), and a second subset of files that contain built-in grammars, each defining a built-in grammar file (*prespecified file*) (Figures 9(B) and 11), (*Yagi teaches two types of grammar files: recently accessed*

*files and prespecified files. Recently accessed files are those files that a user has accessed recently, and thus may be considered user-defined grammar files. According to figures 4 and 10, the prespecified files are application files, such as the file "MyApplication.exe" shown in Figure 11; thus prespecified files represent program files, which may be considered built-in grammar files);*

sorting the grammar files based on a first criterion that assigns the first subset of files (*recently accessed file*) priority over the second subset of files (*prespecified file*) (Figures 4(B) and Figure 6, paragraph 66) (*Figure 4(B) shows the options of moving files up/down in order and sorting. Also, according of Figure 6, first subset is given greater priority by being presented before second subset*);

simultaneously displaying the first subset of files and the second subset of files within the presentation list such that the user-defined grammar files in the first subset of files are presented ahead of elements of the built-in grammar files in the second subset of files (Figures 9(B) and 11); and

partitioning the first subset of files and the second subset of files by a visual aid (Figures 9(B) and 11).

Although Yagi teaches user-defined grammar files and built-in grammar files, he does not explicitly teach a call flow development graphical user interface, wherein each user-defined grammar file is written by a user of a call-flow application and each built-in grammar file was available when the call-flow application was installed; or sorting the grammar files within the subset of files according to a second criterion.

Hambleton teaches a system and method to graphically facilitate speech enables user interfaces (see abstract), in which he teaches a call flow development graphical user interface (Figures 5-7, paragraph 12),

wherein each user-defined grammar file is written by a user of a call-flow application (*Custom Grammar* in Figure 5, paragraph 47) and each built-in grammar file was available when the call-flow application was installed (*Built-in Grammar* in Figure 5, paragraph 47); and

sorting the grammar files within the subset of files according to a second criterion (Figure 5, *grammars are listed in alphabetical order*).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Yagi by the teaching of Hambleton because a call flow development graphical user interface, wherein each user-defined grammar file is written by a user of a call-flow application and each built-in grammar file was available when the call-flow application was installed; and sorting the grammar files within the subset of files according to a second criterion would enable Yagi's file handling device to be used in a graphical development environment to provide efficiency of file selection of speech based files (Hambleton, abstract and Yagi, abstract).

With respect to claims 2 and 9, Yagi as modified teaches wherein the method further comprises the step of displaying the grammar files when a user selects the grammar files (Yagi, paragraph 79, first sentence).

With respect to claims 3 and 10, Yagi as modified teaches wherein the step of visually displaying comprises presenting the presentation list such that each grammar file is labeled with a label indicating whether the grammar file is a user-defined grammar file or a built-in grammar file (Figures 4(B) and 6) (*Figure 6 shows that each file is labeled either recently accessed or prespecified*).

With respect to claims 5 and 12, Yagi as modified teaches wherein the user-defined grammar files and the built-in grammar files can share the same name (Figures 4(B) and 6) (*Figure 6 shows that both recently accessed files and prespecified files may share the same file name, i.e. files name File 1 and File 2. Figure 4(B) shows that "File 1" and "File 2" are actual file names*).

With respect to claims 6, 13 and 17, Yagi as modified teaches wherein the second criterion is an alphabetical order (Hambleton, Figure 5).

With respect to claim 15, Yagi as modified teaches wherein the presentation list is at least one among a drop-down list and a list box (Yagi, Figures 6, 9(B)).

With respect to claims 19-21, Yagi as modified teaches wherein the visual aid for partitioning the first subset of files and the second subset of files includes at least one

among a space, a dashed line, and a group header (Yagi, Figure 9(B); Hambleton, Figure 5).

3. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi et al. (US 2002/0059288 A1, *publication date 5/16/2002*) ('Yagi') in view of Hambleton et al. (US 2008/0098353 A1, *priority date 5/2/2003*) ('Hambleton'), as applied to claims 1-3, 5, 6, 8-10, 12, 13, 15-17 and 19-21 above, and further in view of Gusmorino et al. (US 2005/0251748 A1, *priority date 3/24/2003*) ('Gusmorino').

With respect to claims 4 and 11, Yagi as modified teaches visually displaying a presentation list that distinguishes between use-defined grammar files and built-in grammar files.

Yagi as modified does not teach wherein each grammar file is presented in a text format that indicates the type of file.

Gusmorino teaches a system and method for viewing and editing multi-value properties (see abstract), in which he teaches presenting a list of files such that each grammar file is presented in a text format that indicates the type of file (paragraph 123).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Yagi by the teaching of Gusmorino because wherein each grammar file is presented in a text format that indicates the type of file would enable an improved way of handling the display of properties, and of

managing multi-value properties, to simplify the user's experience in navigating and managing files on a computing system (Gusmorino, paragraph 7).

4. Claims 7, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi et al. (US 2002/0059288 A1, *publication date 5/16/2002*) ('Yagi') in view of Hambleton et al. (US 2008/0098353 A1, *priority date 5/2/2003*) ('Hambleton'), as applied to claims 1-3, 5, 6, 8-10, 12, 13, 15-17 and 19-21 above, and further in view of Sakai (US 2004/0056903 A1, *priority date 7/15/2002*).

With respect to claims 7, 14 and 18, Yagi as modified teaches claims 1, 8 and 17.

Yagi as modified does not teach wherein the second criterion is a chronological order.

Sakai teaches a directory management program, object display program, directory management method, and directory management apparatus (see abstract), in which he teaches sorting files in chronological order (Figure 6, paragraphs 96 and 159).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Yagi by the teaching of Sakai because sorting files in chronological order would enable a more efficient method of displaying files by providing a display of files using temporal width, in which one has a concept of temporal distance between files (Sakai, paragraph 15, abstract).



***Response to Arguments***

5. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alicia M Lewis/  
Examiner, Art Unit 2164  
August 20, 2008

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164